

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARSCHEL CARROLL,

Plaintiff

v.

KENDRA MITCHELL, *et. al.*,

Defendants.

Case No. 3:24-CV-00204-LRH-CLB

**ORDER TO EITHER PAY FILING FEE OR
FILE COMPLETE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On May 8, 2024, Plaintiff Marscel Carroll (“Carroll”), an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint with the Court. (ECF No. 1-1.) Carroll also submitted an application to proceed *in forma pauperis*, (ECF No. 1), however the application is incomplete.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e., pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Because Carroll’s application to proceed *in forma pauperis* is incomplete, it is denied, with leave to refile. The Court will grant Carroll a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required

documents, or in the alternative, pay the full \$405 filing fee for this action on or before **Monday, June 24, 2024**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Carroll is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$405 filing fee on or before **Monday, June 24, 2024**, this case will be subject to dismissal without prejudice for Carroll to file a new case with the Court when Carroll is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$405 filing fee.

A dismissal without prejudice means Carroll does not give up the right to refile the case with the Court, under a new case number, when Carroll has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Carroll may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$405 on or before **Monday, June 24, 2024** to proceed with this case.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that Carroll's incomplete application to proceed *in forma pauperis*, (ECF No. 1), is **DENIED with leave to refile**.

IT IS FURTHER ORDERED that the Clerk of the Court will **SEND** Carroll the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **Monday, June 24, 2024**, Carroll will either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee and the \$55 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e., pages 1 through 3 of the form with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court's approved form), and

1 (3) a copy of the inmate's prison or jail trust fund account statement for the
2 previous six-month period.

3 **IT IS FURTHER ORDERED** that, if Carroll does not file a fully complete application
4 to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a
5 civil action on or before **Monday, June 24, 2024**, this case will be subject to dismissal
6 without prejudice for Carroll to refile the case with the Court, under a new case number,
7 when Carroll has all three documents needed to file a complete application to proceed *in*
8 *forma pauperis* or pays the full \$405 filing fee.

9 **IT IS SO ORDERED.**

10 **DATED:** May 10, 2024

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12 UNITED STATES MAGISTRATE JUDGE
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